1925
[Courts]

File No: 1-25
S. L. No. 4-6-10: 12, 4,
17, 27+40-

Re. the officers who can be empowered
under the breache of Central Act.

No 4-24 (12-13)
" 23-20 (34-35)
" 137-19 (14-18)

App. F. IX-4

Previous References

No 57-10 (3-4)
" " 1 (1-2)
" 22-25 (3-6)

Later References (1, 13)

1925.

(- Court)

File No. 1-25-

Serial Nos. 4-6, 10, 12-14, 19, 27+40

Preserve

General and Revenue Secretariat.

Serial Nos. Ten.

Part B for November 1927

SUBJECT

Re Revenue officers who can be empowered under the Breaches of Embankment Act.

G.O. No. dated 25-12-20 & 15-11-27

Madras Regulations Committee
Director of ...

Papers and orders on the subject.

Ramaswamy Iyengar
26-11-27

G. R. S. III—11 1925 b

GENERAL AND REVENUE SECRETARIAT.

NOTES.

File No. 1- 25

FILE HEADING.

Investiture of Asst Comrs with powers

From The Registrar Letting Court

Note No. 157 Dated 29-8-25 Received 3/9/25

Diary No. 1087	Enclos.	Spare Copies.	Serial No. 4

BRIEF ABSTRACT OF LETTER.

Recommends that the Assistant Comrs in charge of the Revenue Sub Divs of Dodderhapur and Chinapet be invested by notification with powers under the Board of Conciliation Act.

NOTES AND ORDERS.

Submit for orders with a draft.

5/9/25

2.50 9

1st Sec

1st Asst

Secy

Secy 7.9

9.9 Secy 9.9

2. Why should not these Courts be invested by the Spl and Magistrate?

12/9

Notes—First Sheet.

WD 1881—GPB—30,000—18-21

3) Please ascertain this from the Distt Magistrate. Perhaps the Spl Magistrates have enough work as it is

Secy 14.9.

Serial No

4) Subs with a draft - 5) Issue
cag 18/9
18/9/25
18/9

5

To the Dist Bangalore
No P. 174/18 dated 25-

With reference to 2 & 4 enquires why these cases should not be tried by the Special magistrates

Dmy.

The Dist Bangalore.

Letter no Je (18 & 19) 6 dated 25-

States that for the convenience of transfers of such cases from the courts of Munsiff magistrate when they are moved the Assistant courts are recommended for the investiture of the powers and that the files of the Special Magistrate will be generally heavy.

6) Subs with reference to paragraph (2) above
13/10/25
13/10
(illegible)
cag 13/10
14.10.
cag 14/10

2844 15/10

7) The Dist Sub. Officers in the Districts Empowered to try Cases under Breach of Contract Act in case such cases should be tried by the Spl Magistrates or have such ?

17/10
17.10.
cag 17.10

cs 19/10

1507

General and Revenue Secretariat | 85 File No. | [App. F. III—2 ... of 1925

Serial No

8) No Subdivisional officer has been empowered under the Breach of Contract Act. Headmen in certain places were trying such cases: the presumption is that they are tried by the Special magistrates. If so approved an enquiry will be made — Please enquire

Sub 21/10/25 21/10

9) No Sub-Division officer is as yet empowered to try breach of Contract-Cases. There are instances, however, of Amildars being empowered under the Act: (Some cases are placed below) Even the Special Magistrates cannot try Breach of Contract-Cases unless specially empowered. Recently two of such magistrates were so empowered. files are kept below. Submitted in reference to para 7.

(1st Member)

Case 14/11

10) In the planting Districts of Kadur & Hassan when Coorg under Act XIII of 1837 are of frequent occurrence. If when can be cases tried — If amt not 500 or Special Magistrates.

11) (If any Officer will be kind enough to express his views on this subject)

Case 21/10/25 Shows with a file wherein a recommendation for empowering under Breach of contract Act has been made

21/10/25 Whether any Asst Commrs & Tahsildars neighbouring are empowered under this Act. Some Amildars exercise this power: files may perhaps show their names

Case 22/10

S I J

V.C 2

339 16.11

18/11

Case 18/11 19/11

Note—Contn. Sheet

Serial No

12) Subd with draft — 13) Issue cas 26/4.

19/11/25
19/11

10 From Dms Kadur and Hassan.

Nop 265-2-3 dt 28-11-25.

Requests to intimate magistrates by whom the cases under Breach of contract Act are tried — whether by Amildars or sub Dvn officers or Spl magte

Cir 1/12

12 From

The D.m. Hassan.

Letter no J1-278-25 dt 2-12-25

States that the Special Magistrate at Sakleshpur tries Breach of contract cases arising in Belur and Manjarabad Taluks and cases of other Taluks are tried by the Sub Divisional officers and Honorary first class magistrate.

Subd for perusal.

1) The receipt of reply from the D.m. Kadur may be awaited for a week more and then reminder issued if necessary — 2) Yes. Cir 4/12

4/12/25
4/12

Cir 5/12

From

13 The D.m. Kadur dt letter no D1 Dis 21 dt 3-12-1925

States that the Breach of contract Act cases arising in Sakleshpur and Kadur Taluks are being tried by the Special First class magistrate Sakleshpur, while the Amildars of Koppa, Tarikere and Mudigere and the Hy Amildars of Shimoga and Narasimharajapura try such cases arising within respective Taluks.

Cir 7/12

NOTE—Contn. Sheet

2301/P of 25

5

[App. F. III

General and Revenue Secretariat | 05 File No. 1 | of 1925

Serial No

Sirs

16 The D.m. Hassan states that the Special magistrate Saklespur tries cases falling under the Breach of Contract Act arising within his jurisdiction (Belur and Manjarabad Taluks and Belur Sub Taluk) - and the Subordinate officers try such cases arising in the other Taluks.

17 The D.m. Kadur states that the Special First class magistrate Tarikere tries Breach of contract Act cases arising in the Taluks of Tarikere and Kadur and the cases of other Taluks are being tried by the respective Amildars and Deputy Amildars.

18 The Breach of contract Act cases are to be tried by Magistrates only after they are invested with such power. The Special Magistrate at Saklespur alone has been empowered with the power. The Subordinate officers and Amildars do not seem to have been invested with the power (as per power required). Even the Special First class magistrate, Tarikere, has not been invested with the power. If approved, the Dcms will be enquired under what authority the Amildars etc are trying such cases. Sirs with reference to

Yes cag 7-12

may perhaps be done cag 7.12

by Subordinate reference to para 16. The Magistrates now trying these cases have not been empowered (except one). They have no jurisdiction

5/12/25 7/12

Note—Contn. Sheet

22/8.12

Ltd Secy [illegible]

cag 8/12

Serial No

20) The above position may be explained to the Chief Court & their opinion may be invited about having the D.O. & amins with their powers added to the respective magistrates or authority to the magistrates being invested with them

21) Draft letter to the Chief Court may be drawn up & submitted for approval

22) Draft with a/ays- (typed) for consideration

364
14.12

16. Home Regl Chief Court.
Nop 30778/18-12-25

Requests to favour good wishes on opinion of Chief Court as to whether in order to secure uniformity in this respect all the Sub Dn. officers and Amildars either in all the districts or in the planting districts of Kaira and Surat alone may be invested with the powers under the Breach of Contract Act in addition to mutkel magistrates.

21/12

Note—Contn. Sheet

Serial No

From

The Registrar, Civil Court
Letter no Roc 186 dt 2-2-26

Forwards the opinion called for.

Submits (2-4) preceding to the opinion of the Civil Court ~~forwarded~~ the practice is not uniform in all the Dts They are of opinion that as far Bangalore and Mysore Dts are concerned, the Exofficio magistrates may be given the work of trying Breach of contract cases.

(3-4) On the Planting Dts of Kadur Hassan and Shimoga both the Special magistrates and Exofficio magistrates in places where there are no Special magistrates' Courts may be invested with the powers to try Breach of contract cases

On the remaining Dts of Chickballapur Tumkur and Kolar, the Special magistrates may be invested with the powers and that Exofficio magistrates need not be invested

(1) It seems better to issue a standing order for guidance of all Dt magistrates in accordance with the opinion of the Civil Court.

Submd. for orders in reference to para (2) above

(4) The point mentioned in the last para of the Registrar's letter viz the magistrates in whose cases investiture of power under the Breach of Contract Act is necessary, is also for orders.

4/2/26

Note—Contn. Sheet

Serial No.

30 Subd with reference to para 20.

31 The proposals of the Chief Court aim more at convenience & the needs of the Districts rather than ~~at~~ uniformity throughout the Province. The proposals are for orders. It is much better to invest magistrates specially with this power, as suggested in the last para of the letter, rather than leave the matter to be inferred under the Chief Court's notification

(A) Ld Secy 1st Mar

260/9-2

32) I agree generally with the views expressed by the Chief Court. Simple orders may be issued on according to the rules for approval

Cag 5/2 8/2 Cag 8/2

33) (A) I agree.

Dc 10/2

8/2. 10/2. Secy 10/2

85 12/2

34) Send with reminder.

Dc 16/12/25

85) The jurisdiction of the several magistrates will have to be specified in the magistrate notification investing them with the power under the Act. Yes. Otherwise it is unworkable. Please bring up

Asst 18/12

Cag 18/2

Asst 19/12

36) Please trace & put up the Ch. Court's notification referred to in the Regd letter. Also find out if this notification is included in the Treaty.

28/8/3

3135

WD 01264—GPB—40,000—17-12-25

Serial No.

2

37 The Chief Commissioner's letter no 1093-3-39 dt 22.6.1866 is not included in the bundle. The Records might be requested to kindly put up the file dealing with the letter.

Records) 10/3

9/3/26

18) The Chief Commissioner's letter No. 1093/J.39 dt 22.6.66 was traced out in the Judicial Commissioner's Records, and a requisition in its place shows that it was sent to the Chief Court on 28-8-1889.

12/3/26 14/3

19) It was informally ascertained from the Chief Court that the file cannot be traced there either. Kind orders

12/3/26 20) I do not see a copy of the Chief Court's letter referred to in the Regd letter. Please get a copy of it or if available a copy of Mangles' manual may be put up.

16/3

15 16/3

21) Send with a copy of Mangles Manual

16/3/26 17/3 22) There is a difficulty in accepting the recommendations of the Chief Court.

23) Under the Chief Court's letter no 1093-39 dated 22-6-1866, the powers conferred

Regd

WD 01264—GPB—40,000—17-12-25
App. F. III—2]

General and Revenue Secretariat

CR File No 1 of 1925

Serial No.

Sec. Act XIII of 1859 should be exercised by Sessions Judges, Dy Commissioners and Asstt Comrs who are I class magistrates. Their effect of this letter was under discussion on two former occasions. The view first taken was that special authorisation was necessary in the case of I class magistrates to enable them to take cognizance of cases under the Act. But later on this view was held to be wrong and it was held that since the Chief Comrs letter confers such powers on all I class magistrates, it was not necessary to authorise them specially.

44 This latter view is still in force and its effect is that all Asstt Comrs who are I class magistrates are vested with powers under the Act by virtue of their combined offices of Asstt Comrs & I class magistrates. It follows therefore that Asstt Comrs who are ex-officio magistrates have powers under the Act. But with regard to special magistrates, those who are Asst Comrs have appointed as special magistrates are do not perhaps vested with powers under the Act. For the expression "Asstt Comrs" in the Ch. comrs letter refers probably only to those who do the duties of Asstt Commrs

NOTE—Contra. Sheet

Serial No

and not to those who do their duties through continuing in the Asst Com's Cadre. It is therefore necessary perhaps to invest them with powers as also the other special magistrates who are not Asst Commissioners, if they have to exercise powers under the Act.

45) ~~In order~~ The position therefore is that all the Asst Com's who are ex-officio I class magistrate are ipso facto empowered to try cases under the Act. So each according to the proposal of the chief Com't to invest these mgts ~~under~~ in the Dts of Kanara, Karwar and ~~Dharwar~~ Shimoga Com's ~~are~~ unnecessary and the recommendation that it is unnecessary to invest these magistrates in the Dts of Dharwar Bijapur & Kolar is unaccountable since they are already invested with such powers.

The recommendation to divest the Asst Com's of the powers cannot be carried out without modifying the Ch. Com's Order

46) Another difficulty is, if Asst Com's and special magistrates are invested with powers, to fix the local extent of their jurisdictions. The I class special magistrates in Dt Head quarters exercise jurisdiction sometimes over the whole Dt & sometimes over the area of a Sub Div. The Ex officio I class magistrates also exercise jurisdiction over the

Serial No

area of a Sub Dev". While the Amildar exercises jurisdiction over his Taluk the Sub Dev" offer exercises Concurrent jurisdiction over the same Taluk.

47) Again if the Amildars in all the Talukes of a Sub Div" are invested with third powers, the Sub Dev" officer may have no area over which to exercise his power nor the special magistrate

48) There are certain personal doubts to the dc's who are also Ca of the I class magistrate. These also have power to try cases under the by virtue of the Ch. Conis notifn, since they are also in charge of the Head quarter talukes as S.D.O's.

49) It is therefore for Consideration whether the letters of the chief Com" & of Govt" in GII (R:W) have to be modify and the magistrates invested with powers or devested of, powers as recommended by the chief Comr. If so the respective jurisdictions of magistrates who are invested with powers with have to be fixed

HHeg)
1st Mar.

20/3
20/3
20/3

629/263

Serial No.

50) Clean for ✍ a copy ℈ Act. XIII ℈ 1855 for reference

51) When ✍ the copy ℈ the chief comm^r^ ℞ 22/6/1886 placed on the file taken from.

52) If under the ^n^ orig Sessions Judge ✍ Dt ✍ A ✍ who are first class Magistrate can try cases under Act XIII ℈ 1855 ✍ what authority ✍ the power ✍ by such cases conferred ℈ for an amendm^t^ ✍ Act ✍ comm^r^ Exercising any 2^nd^ class powers

53) As regards the Sessions Judge's order ✍ 4th Sept^r^ 1886 I would refer ✍ Govt ✍ Bengal ✍ Nydon ✍ 5/3/87 wh^ch^ by case under Act XIII ℈ 1855 within their respective jurisdiction. Except in respect ℈ Dt^s^ the amendm^t^ which ✍ the ministers with power ✍ by such cases

54) In the Kadur Dt the first class Magistrate as Chickmagalur wh^ch^ by cases arising in the Dt ✍ Nydon; and 2^nd^ class Magistrate at Tarikere have within the Jurisdiction ℈ Chickmagalur; under the amendm^t^ these Dt^s^ are ministers with power ✍ by the Govt in this case in their Dt.

55) In the Hassan Dt the 1^st^ class Magistrate at Hassan who by cases arising within ℈ Hassan (including Alur). Arsikere & Arkalgud :: the 2^nd^ class Magistrate at Sakleshpur have within ℈ Sakleshpur & Belur & the Magistrate at K^r^ pur have within ℈ K^r^ pur & Chiknayakanhalli Sub-division Tiptur Sub-div^n

56) Similar arrangements within municipal limits for the Dt^s^ also. The powers capable ✍ be adopted

NOTE—Contn. Sheet

629/29-3

3135/1 825 Gpo 64 14 (14

G. R. S. III-2]

General and Revenue Secretariat.

85 File No. 1 of 1925-26

Serial No.

Has any way to deal with the Case arising within their respective jurisdiction — an Enactment by made in the case of the Bombay, Bengal & Madras is was to grant this jurisdiction over British Subjects in the Mysore. & in the Travancore Planters Cochin & Mysore. Kerala. Below is in short no Special Mysore an ~~Indian~~ Statute. In accordance with the Empowered by Court under the act. of they are Judges & competent to Exercise the power

Dy Regy

8/12/14

28/12/14

57) Bound with Vol I of the Mysore ~~Record~~ code containing the ~~Act~~. The copy of the ~~Letter~~ Notification Dy 22-6-1886 to taken from Manuals Manual. Under Section 5 of the Act Govt can empower specially any officer with the powers. Perhaps the notification was lost sight of. Powers are being given specially on Dr Mayne's recommendation, under Section 5 of Act Part III of the Code Bound with 2 drafts. In the drafts no Amildar has been invested with the power under the Breach of Contract Act

B/ 20/4/26 JRC 23/4

NOTE—Contn. sheet.

WD 01264—GPB—40,000. 17-12-25 [App. F. III—2]

15

General and Revenue Secretariat | CR File No. | of 1925. 46

Serial No.

57) With Reference to para 50
The Breach of Contract Act 1859 is contained in ~~vol I~~ Burma Code vol I page 22
The Amended Regn of 1923 is contained in Volume VII of the Burma Code page 185.

With Reference to para 51.

59) The extract was taken from Mengle's Manual (Part up) page 183

58) With Ref to ~~page~~ para 52.
Under Section 5 of the Act, Govt may invest the powers under the Act on any officer or officers. It was probably under this authority Govt invested the Amildar magistrate with powers under the Act.

61) It was probably under this section that the Chief Commissioner's letter of 1866 was issued.

62) This notification being still in force, it has to be modified to the extent of stating that where Special magistrates or Amildars are empowered, the said divisional officers will cease to exercise jurisdiction under the Act over the area over which the former exercise the powers.

63) This letter is not ~~one of those~~ mentioned in the Treaty and so, the permission of the Govt of Burma does not seem to be necessary for modifying it.

64) Draft Cubed
LH(Leg) 28/4

Put a draft typed as revised
26/4

65) Send with the revised draft typed
NOTE—Contn. Sheet 9 Please
7/6/26 only 8 JK

Serial No.

67 Notifn of the Chief Comr was issued in exercise of powers vested under Sec 5 of as such it can be modified from time to time by the Govt.

68 Draft may perhaps be approved

12th Nov.

817/29.4

29-4 28 29.4

69) ~~Plan~~ A statement may be put up showing the Tr. & Th. Compounds within the jurisdiction of each of the above Magistrates in the State

5/5 5/5 28 6.5

70) Send with a statement as ordered - Mag/B.

7/5/26 4/5

191/8.5

(8 members)

8/5

71) The draft Secs with please may be put up in person

8/5 8/5 28 8/5

72) The members meeting next the draft should be so framed as that the jurisdictions of the I, II & III grade Magts do not overlap.

28 11/5

NOTE—Contn. Sheet

WD 01264—GPB—40,000 17-12-25
[App. F. III—2

General and Revenue Secretariat

File No. 1 of 1925-26

Serial No.

73) Sent with the draft already put up. The 3rd para being revised

74) Draft sent for consideration (8 members) 18/5

11/5/26

3566/13-5-26

75) Drop ors

9846/18/5

76) Plan brought up (Form 2 draft as per Chief Secy's Note for meeting)

10/5/26

18/5

18/5

77) Sent personally. The member wants the reasons to be inserted in draft, reasons given by the Ch-ch —

21/5

21/5

78) Page 2 of the draft has been revised and resubmitted

21/5/26

79) Para 2. in the order portion of the paragraph has been revised & sent for consideration as ordered by the Hon'ble Member (Ch Secy)

10043/25/5

22/5

22/5

25/5

80) Plan follow the Chief Secy's Note & the portion marked in pencil be precise in meaning

24/5

24/5

NOTE—Contn. Sheet

Serial No.

81 Page 3 of the draft has been revised and resubmitted

B/
9/6/26
AAG/6

Jm

Mr Keyes chief cont: dated no 15-6 of 9-10-26
Requests early orders in the matter of investing certain officers with the powers to try cases under the Breach of Contract Act and states that the Bill. myself has again urged for early instructions in the matter

Put up

83 An Enquiry may perhaps be made as proposed in para 3 of the draft order and then final orders issued one for all of approved

B/
24/5/26

84 Noted with a draft as directed

B/
28/6/26

Noted

85 This file was linked with cls file 37-926 investing the Assistant Collectors with powers under the Breach of Contract Act - Noted for orders as to whether the draft making this enquiry may issue 3

B/
20/7/26

Please [illegible]

B/
27/7

B/
27/7

NOTE—Contn: Sheet

for Decision whether about the jurisdiction of S.D.Os + Assistant Collectors - Tuesday the 13th Dec. - when a complaint under the Act 2 of 1930.

Serial No.

From

The Dy Inspr. Letter no 5(-55-5) 1-5-26 Requests early orders re the exercise of powers under the Breach of contracts Act by the Asst courts in charge of Interiorians and 1st grade Magistrates' courts.

87 Kind reference is invited to para 44 of the notes wherein, it has been stated that Asst Courts who are all ex officio 1st class Magistrate under the Separation scheme can exercise powers under the Breach of contract Act under by virtue of their office unless they are invested by Govt. The question directly at issue is whether the Asst courts in charge of Interiorians and in charge of the Special First class magistrates' courts can exercise the powers under the Act as per above Court's notification of 2-6-1886. For reasons mentioned Asst courts in charge of Interiorians Cam, and Asst Courts in charge of Special First grade magistrates courts cannot exercise the powers

6 The Revenue officials should be accordingly informed and the case closed

By Dy Sahib personally in all members the orders. Please put a draft as instructed.

11/5/27

11/5/27

(Vide file attached herewith)

NOTE—Contn. Sheet

G. R. S. III, 4-3]

[To be used only for notes] 90 — R Go Wbehaved [t record!]]

(i) The old notice to remain in force. It should be made clear what the Term Act can magistrates' meaning =

(ii) It should be stated that where dis found necessy to invest Spl mags — the Dist Cmr mags to cease to have powers to that extent

(iii) — do — when Asst Cmr are invested.

(iv) Separate notice are issued (ii) & (iii)

II Notification to some invested Spl mags & Asst as recommended by Chief Cmr

N. B.—Should routine notes be written on small slips the notes must b cipoed, or slips pasted on this form.

5/106

pp. F. III—2]

General and Revenue Secretariat.

File No. 1 of 1925-26

Serial No.	
91	Sd with the draft go. slightly revised and a draft notification. As under the go. it is made clear that the Chief Court's letter 7886 is in force, there seems to be no necessity to invest the Sub-Divisional Officers who are also Ex-officio First-class magistrates with the powers under the Breach of Contract Act.
Through Supdt 29/6	92 Draft G.O put up is revised & sub'd for consideration. It is presumed that Sub Division Officers who do not belong to the Civil Service do not come under the term Asst-Court for purpose of the Chief Court's Circular.
	93 The draft notifn put up covers the power on the Magistrates now in charge of the Courts mentioned. It is perhaps the intention to invest the Magistrates generally without reference to the names of the Magistrates. Otherwise there will have to be renvestiture every time there is a change in the presiding Officers. If applied, the draft will be revised accordingly
Asst 14/7	94 Please type the draft as revised
	15/7
	Sd with typed draft as revised. Two drafts encld for orders.
	16/7 Asst 16/7

NOTE—Contn. sheet.

5706 22-(22

pp. F. III—2]

General and Revenue Secretariat. | File No. 1 of 1925.

Serial No.

95

Subd with draft g.o. for consideration
The g.o. differs slightly from the
recommendation of the chief Court
since the recommendation if
approved would lead to
overlapping of jurisdictions
as pointed in paras 46, 47 & 48
above.

96 The Chief Court may be
consulted before the g.o. is issued
by sending a copy of the draft.

586/1917

Regd D) 98 18/7
1st Mem V. Refe para 80. 8A 18/7

99 Ve G.O. 18/7
Doe
20/7

1925/26 Cas. 156. 21/7.

Q.O. No. P 5 of 27
of 21/7/27.

100 Forwarded with Compliments
to the Registrar, Chief Court, for
favour of remarks.

PO,
M Venkatesayengar
Undersecretary

GR Scott
21.7.27

CHIEF COURT
22 JUL. 1927
OF MYSORE.

NOTE—Contn. sheet.

WD 2293—GPB—10,000—4-5-27

5107

23

General and Revenue Secretariat. | File No. 1 of 1925.

Serial No.

Rev. No. 156 to 161

Returned with compliments.

102 The provisions of Act XIII of 1859 were brought into operation throughout the State by Government of India Notification No.110 dated the 23rd March 1866.

103 By the powers vested in the Chief Commissioner under Section 5 of the Act, Sessions Judges, Deputy Commissioners and Assistant Commissioners who were First Class Magistrates were specially appointed to exercise the powers which a Magistrate of the Police (evidently meaning Presidency Magistrate for the act was applied in the first instance only to Presidency Towns), is empowered to exercise under the act. The same powers which the Chief Commissioner the executive head of the local Government could then exercise under Section 5 of the act, the Government of H. H. the Maharaja can now exercise.

104 The communication of the Chief Commissioner dated 22nd June 1866 (No.1093-39)(whether it is called a letter or Notification) has not since been withdrawn, and therefore has the same effect as any other notification passed by Government in virtue of the powers vested in it by any act for the time being in force.

105 The effect therefore of the Chief Commissioner's notification, as far as the Judges could see

NOTE—Contn. sheet.

WD 0824 -GPE—60,000—24-5-27

5705 25

not be specially empowered as the Chief Commissioner's letter of 1866 gives them the authority. If however, there is any Sub-Division Officer or a Special Magistrate who is not also an Assistant Commissioner whom it is intended to empower, a special authorization as in the case of Amildar Magistrates is necessary, as the Chief Commissioner's letter does not cover such cases.

109 To obviate concurrent jurisdiction being exercised at the same time both by the Ex-officio Magistrate and the Special Magistrate, another notification or an additional para in the same -- notification that so long as the Special Magistrate exercises jurisdiction, the Ex-officio Magistrate will cease to do so, may be published or added. Such a simple course the Judges think, is sufficient.

Chief Court of Mysore,
Bangalore,
15th August 1927.

Registrar.
15/8/27

16/8

16/8

110 Subd for orders
17/8

111 The opinion of the Chief Court is for perusal. The result of this will be to keep the Ch. Com's letter in force & empower the officers whenever there is any necessity.

pnk.

5108/926 76

General and Revenue Secretariat. No. File No. of 192 5

Serial No.

According to mine opinion, an Assistant Commissioner is not one defined as such in the Land Revenue Code but appointed under the Civil Service Scheme.

Sec A-D) 24/8

1700/26/8

"Para 3 of the order portion is revised in conformity with the opinion of Ch. Ct. A suitable order will be put up if the present opinion is accepted. I agree with the present opinion of the Ch. Ct 25/8

112

113 I agree 26/8

25/8

Submitted.

The draft already put up is revised in pencil. After approval, it will be got typed and notification also put up

9/9

In view of the recent order cancelling the cadre of special magistrates the draft required modification. A suitable draft issued on the lines of the A.-G.'s opinion of the Chief Court judges may be put up. Calling also proposals for interning the officers

6/10

NOTE—Contd. sheet

WD 0324—GPB—60,000—22-5-27

14/10

5108/3 B.26.

27

App. F III—2]

General and Revenue Secretariat. do File No. of 1925.

Serial No.

116

Subd into a revised draft-80

8/11/27

115

Subd into a typed draft as revised

8/11/27 118 of abv 80 is subd for Consideration

7/11/27

Leg d-d) 8/11

119 Draft may be appd

8/11

8/11

8/11

3702 8/11

9/11 9.11

40 do The Dy. of Dts. - Legl. Cell No. P. 25-12-20 of 15/11/27 Passes orders re the "Heads who can be empowered under the Breach of Contract Act.

Proof for Prof. Bl 2/12/27

NOTE—Contn. sheet

C. C. No. 35]

No 1-25-4 | 1087 / 1926

11605

CHIEF COURT OF MYSORE.

Bangalore, Dated 29th August 1925.

From

A. SREENIVASARAGAVACHARI, Esq. B.A., B.L.,
Registrar, Chief Court of Mysore, Bangalore.

To

B. Nagappa Esq Bar-at-Law
Legal & Legislative
Secretary to Government, ~~General~~ Department, Bangalore.

Sir,

I am directed to recommend that ~~Mr~~ Assistant Commissioners in charge of the Revenue may be invested with the powers noted below.

The ~~recommendation~~ roll received from the District Magistrate of Bangalore. is herein enclosed. (a copy of letter No. JC 188 dated 27.8.25)

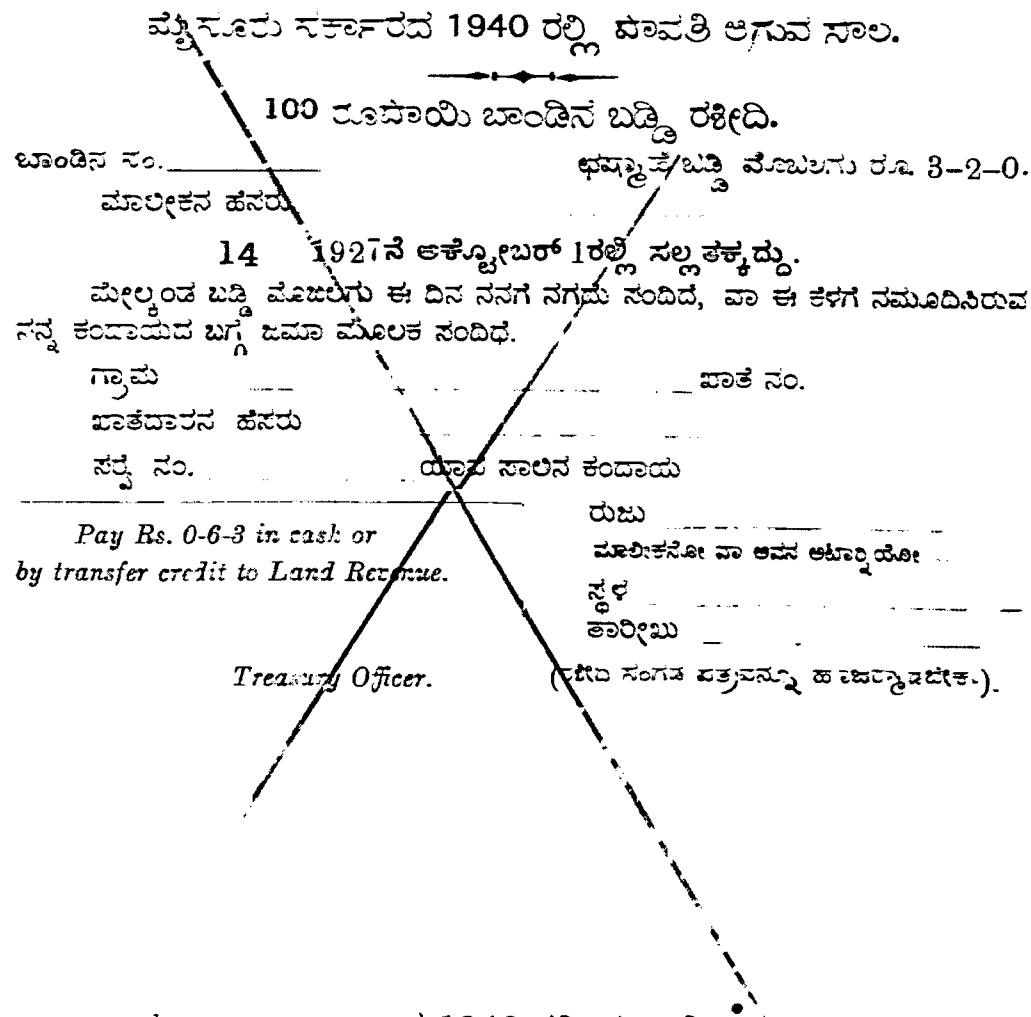
and Cheiftest by virtue of their office.

I have the honour to be,
Sir,
Your most obedient servant,

Registrar.
31/8/25

1. Powers to try Cases under the Breach of Contract Act, 1859. —

W. 02698 GPB—200—17-4-23


ಮೈಸೂರು ಸರ್ಕಾರದ 1940 ರಲ್ಲಿ ಪಾವತಿ ಆಗುವ ಸಾಲ.
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ಫಷ್ಕ್ರಾಪೆ ಬಡ್ಡಿ ಮೊಬಲಗು ರೂ. 3–2–0.
ಮಾಲೀಕನ ಹೆಸರು
14 1927ನೆ ಅಕ್ಟೋಬರ್ 1ರಲ್ಲಿ ಸಲ್ಲತಕ್ಕದ್ದು.
ಮೇಲ್ಕಂಡ ಬಡ್ಡಿ ಮೊಬಲಗು ಈ ದಿನ ನನಗೆ ನಗದು ಸಂದಿದೆ, ವಾ ಈ ಕೆಳಗೆ ನಮೂದಿಸಿರುವ ನನ್ನ ಕಂದಾಯದ ಬಗ್ಗೆ ಜಮಾ ಮೂಲಕ ಸಂದಿದೆ.
ಗ್ರಾಮ
ಪಾತೆ ನಂ.
ಪಾತೆದಾರನ ಹೆಸರು
ಸರ್ವೆ ನಂ.
ಯಾವ ಸಾಲಿನ ಕಂದಾಯ
ರುಜು
Pay Rs. 0-6-3 in cash or
by transfer credit to Land Revenue.
ಮಾಲೀಕನೋ ವಾ ಅವನ ಅಟ್ರ್ನಿಯೋ
ಸ್ಥಳ
ತಾರೀಖು
Treasury Officer.
(ಬೇರೆ ಸಂಗತಿ ಪತ್ರವನ್ನು ಹಾಜರ್ಮಾಡಬೇಕು).
ಮೈಸೂರು ಸರ್ಕಾರದ 1940 ರಲ್ಲಿ ಪಾವತಿ ಆಗುವ ಸಾಲ.
100 ರೂಪಾಯಿ ಬಾಂಡಿನ ಬಡ್ಡಿ ರಸೀದಿ.
ಬಾಂಡಿನ ನಂ.
ಫಷ್ಕ್ರಾಪೆ ಬಡ್ಡಿ ಮೊಬಲಗು ರೂ. 3–2–0
ಮಾಲೀಕನ ಹೆಸರು
27. 1934ನೆ ಏಪ್ರಿಲ್ 1ರಲ್ಲಿ ಸಲ್ಲತಕ್ಕದ್ದು.
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663

2

Office of the District Magistrate,

No.J.C.188. Bangalore District,

Dated, Bangalore, 27th August 1925

From

B. Venkoba Rao, Esq., B.A.,
District Magistrate,
Bangalore District.

To

The Registrar of the
Chief Court of Mysore,
Bangalore.

Sir,

With reference to your letter No.ROC.156 dated 3rd August 1925, in the matter of investing the Assistant Commissioners in charge of the Revenue Sub Divisions of Dodballapur and Closepet with powers under the Breach of Contract Act, I have the honour to state that the presiding officers of these courts whoever they may be, may be invested in virtue of their office.

The recommendation is made with a view to -- facilitate transfer of cases under the Act from one court to another.

I have, etc.,

Sd/- Mir Safder Hussain,

For District Magistrate,
Bangalore.

Copy

For Registrar

App.F.VI-G1.] B650

SUBJECT.....

Diary No. of letter replied to .....

General and Revenue Secretariat
( )
, the 192

Date of issue 24.9.25

Signed by Mr. C.A.G.

List of enclosures.....

Copied by .....

Examined by.....

Section A

File No. 1-25

Serial No. 5

No. f. 1741

To The D.M. Bangalore

Sir

With reference to your letter no. pc 18 & 27.8.1925 addressed to the Regr. High Court recommending the investiture of Mr. Cam. in charge of Revenue Matters of Dodballapur and Closepet with powers under the Breach of Contract Act, I am directed to enquire why these cases should not cannot be tried by the Special magistrates.

I have etc

cwg
18/9
Dy. Secy

over

B/

16/9/25 Ans 16/9

15189

In all future correspondence please quote No. 9.6.188

1517 7-10-25. 25/26.

No 1-25-6.

OFFICE OF THE DEPUTY COMMISSIONER,
BANGALORE DISTRICT.

Dated Bangalore, the 4th October 1925.

6/10

FROM

B. VENKOBA RAO, ESQ., B.A.,
Deputy Commissioner, District Magistrate,
Bangalore District.

7 OCT. 1925

To

B. Nagappa, Esq., Bar-at-law.,
Secretary to the Government of His Highness
the Maharaja of Mysore, Local and
Legislative Departments, Bangalore

SIR,

In reply to your letter No.P.1741/Cts.1-25-5 dated the 24th September 1925 re the investiture of Assistant Commissioners in charge of Revenue Sub-Divisions of Dodballapur and Closepet with powers under the Breach of Contract Act, I have the honor to state that for the convenience of transfers of such cases from the Courts of Amildar Magistrates etc, when they are moved, the Assistant Commissioners are recommended ~~when~~ the investiture of the powers.

2. Besides the files of the Special Magistrates will be

6

[APP. F. VI. Gl.]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 192

Date of issue 25/4/25

Signed by W. C. A. G.

List of enclosures.....

Copied by.....

Examined by.....

No. 1652-3

Section 1-25

File No.

Seria No. 10

To The Dist. Mgs. Vadr and Hassan

Sir,

I am directed to request you to intimate the magistrates ~~enquire~~ by whom ~~are~~ the cases under the Breach of ~~Contract~~ Act, ~~tried~~ by the Amildars or Subordinate officers or Special magistrates ~~appointed~~. An early reply is requested.

I have etc

Asst. Secy

2014

12/11/25

Asst 13/11

over

22799 No 1-25-12 2284/P/25

Office of the District Magistrate,

Hassan District.

Dated, the Hassan 1st Dec. 1925.

GENL. & REV. SECTT.
Br. P
4. DEC. 1925
G. D. SECTION.

From,

R. Nanasamy Rao, Esquire,
District Magistrate,
Hassan District.

To,

B. Nagappa, Esquire, Bar-at-Law,
Secretary to Government,
Local & Legislative Departments,
Bangalore.

No. L.Dis/P-278-25

Dated 2/12/25

Sir,

Adverting to your letter No. P. 2652-3 Cls. 1-25 dated the 25th ultimo, enquiring by what Magistrate the cases under the Breach of Contract Act are being tried, I have the honour to state that in view of the light work the Special Magistrate, Saklespur has he was recommended and is invested with power to try the cases under the aforesaid act and he is now trying the cases arising in the Belur and Manjarabad Taluk and Alur Sub Taluk. The cases arising in the remaining Taluks of the District are being tried by the Sub Division Officer & Ex-Officio First Class Magistrates. In this connection I may suggest that the Amildars and Ex-Officio Magistrates may be invested with this power to try cases arising within the limits of their Taluks.

I have the honour to be,
Sir,
Your most obedient servant,

District Magistrate,
Hassan District.

D. M. 2.
No. 22979 Dis 21 — 25-26
ENCS.

No 1-25-13. 2301/25

OFFICE OF THE DISTRICT MAGISTRATE,
KADUR DISTRICT.

Dated Chikmagalur, 3rd Dec. 1925.

FROM

G.B.Heblikar, Esq., B.A., LL.B.,
DISTRICT MAGISTRATE,
KADUR DISTRICT.

To,

B.Nagappa, Esq., Bar-at-law,
SECRETARY TO THE GOVERNMENT OF
HIS HIGHNESS THE MAHARAJA OF MYSORE,
Local and Legislative DEPARTMENTS,
BANGALORE.

SIR,

With reference to your letter No.P.2652-3/Cts.1-25 dated 25th instant, I have the honor to state that cases under the Breach of Contract Act are tried by the Special First Class Magistrate, Chikmagalur, and Kadur Taluk in respect of Chikmagalur and Kadur Taluks, while the Amildars of Koppa, Tarikere, and Mudigere and the Deputy Amildars of Sringeri and N.R.Pura do try cases arising within their respective revenue jurisdiction.

I have the honor to be,
Sir,
Your most obedient servant,

G B Heblikar

District Magistrate,
Kadur District.

K.L.N.

do 1-25=14 9

W.P. 3077-B

18-12-25

To—

The Registrar,

Chief Court

Sir,

With reference to your letter No.ROC. 156 dated 29-8-1925, recommending that the Assistant Commissioners in charge of the Revenue Sub-Divisions of Dodballapur and Closepet may be empowered to try cases falling under the Breach of Contract Act, I am directed to observe that there seems to be no uniformity in regard to the Magistrates who try such cases in the several districts. In some districts, e.g. Bangalore, the Special Magistrates appointed under the Separation Scheme have been invested with the power to try cases falling under the Act and in others they are not so invested and in none have Sub-Division Officers been given the power. In the Hassan District, the Special Second Class Magistrate, Saklespur, has been given the power, and the Sub-Division Officers and ex-officio Magistrates of the District are reported to be trying the cases arising in taluks not falling under the jurisdiction of the Saklespur Magistrate, though they are not empowered to do so. In the Kadur District, the Special First Class Magistrate, Chickmagalur, as well as the Amildars and Deputy Amildars are stated to be exercising this power in their respective jurisdictions without their being empowered by Government. In view of the divergent practice obtaining in this respect, I am to request you to favour Government with the

opinion

opinion of the Chief Court ~~as to whether~~ in order to have ~~some~~ uniformity in ~~all~~ the districts, the Sub Divisional Officers and Amildars, ~~are~~ to be invested with the power, in addition to the Special Magistrates ~~or without the Special Magistrates being so invested~~.

I have, etc.,

Secretary to Government,
L.L.Deptts.

KNN

13

32235

3135
P 4

Telgm:
"JUSTICE"

CHIEF COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore 2nd February 1926.

R. O. C. No. 156
Dis. 25-26.

Cts 1-25-17

A. Sreenivasaragavachari, Esq., B.A., B.L.,
Registrar, Chief Court of Mysore.

B. N a g a p p a, Esq., Bar-at-Law
Secretary to Government,
Local and Legislative Departments.

Sir,

I am directed to acknowledge the receipt of your letter No.P.3077/Cts. 1-25-14 dated the 18th December 1925 observing that there seems to be no uniformity in regard to the Magistrates who try cases under the Breach of Contract Act, and requesting to be informed of the opinion of the Chief Court as to whether in order to have uniformity in this respect, all the Sub Division Officers and Amildars either in all the districts or in the districts of Kadur and Hassan alone may be invested with power to try cases under the said Act in addition to the Special Magistrates of these districts.

In reply, I am to state that it is very desirable to put an end to the divergent practice now obtaining in this respect. With a view to have uniformity in this matter, I am to suggest as follows :--

DISTRICTS OF BANGALORE AND MYSORE :--

In these two districts the Special Magistrates generally have heavier work than in other districts. In these two districts therefore the work of trying cases under the Breach of Contract Act may well be left with Ex-officio Magistrates, viz., Assistant

Commissioners and Amildars, and the Special Magistrates in these districts need not be invested with the power, or if so invested, may be divested.

DISTRICTS OF KADUR, HASSAN AND SHIMOGA:--

The first two districts and to some extent Shimoga also, are what may be called planting districts where generally a large number of cases under the Breach of Contract Act are likely to arise. The work of the Special Magistrates in these districts is rather light and I am to suggest that all the Special Magistrates may be invested with power to try Breach of Contract cases. With a view to expedite business, this power may also be conferred upon ex-officio Magistrates, i.e., Sub Divisinn Officers and Amildars in places where no Special Magistrate's Court is staticned.

DISTRICTS OF CHITALDRUG, TUMKUR AND KOLAR :--

In these districts the work of the Special Magistrates is not very heavy and they may all be invested with power to try Breach of Contract cases. It seems unnecessary in these districts to invest Ex-officio magistrates, such as Sub Division Officers and Amildars with this power.

In this connection I am to forward herewith copy of letter No.C.975/J.25-26 dated the 25th December 1925, from the District Magistrate, Mysore, enquiring whether in view of this Court's Proceedings No.313-19/C.25 dated the 25th July 1912 in which a reference is made to Chief Commissioner's letter No.1093-39 dated 22nd June 1866 (copies enclosed), powers under the Breach of Contract Act may not be exercised by Sessions Judges, Deputy Commissioners and Assistant Commissioners who are First Class Magistrates throughout the State without special authorization. It was held by this Court in the Proceedings above referred to, that no special

authorization was necessary in the case of Assistant Commissioners who are also First Class Magistrates. In the General and Revenue Secretary's letter No.J. 3876/Cts. 57-10-4 dated the 9th June 1911, it was stated that the Government agreed with the opinion of the Chief Court that as Chief Commissioner's letter No.1093-39 dated the 22nd June 1866 conferred powers under the Breach of Contract Act on all Magistrates of the first class, no special authorization in this behalf was necessary in respect of such Magistrates But in their letter No.J.1581/Cts. 57-10 dated the 25th November 1910 to the District Magistrate, Bangalore District, the Government had stated that special authorization was necessary in the case of First Class Magistrates also to enable them to take cognizance of cases under the said Act.

I am to observe however that the Chief Commissioner's letter refers to Assistant Commissioners who are first class Magistrates, and that some of the Special Magistrates according to our present cadre under the Separation Scheme are not Assistant Commissioners, even though they may be First Class Magistrates.

As it is necessary that there should be an authoritative decision in this matter, I am to suggest that without in any way ighoring or superseding the Chief Commissioner's letter, the Government may issue suitable Notification investing the Magistrates recommended in the first part of this letter with the power to try cases under the Breach of Contract Act.

I have the honour to be,
S i r,
Your most obedient servant,

2/2/16

REGISTRAR.

TMN/3

Copy of letter No.C.975/J.25-26 dated the 23rd/25th December 1925, from the District Magistrate, Mysore to the Registrar, Chief Court of Mysore, Bangalore.

******

I have the honor to invite reference to the Proceedings of the Chief Court dated 25th July 1912 authoritatively pronouncing that the powers conferred by the Breach of Contract Act XIII of 1859 were intended to be exercised by the Sessions Judges, Deputy Commissioners and Assistant Commissioners who are first class Magistrates throughout Mysore.

After the introduction of the separation scheme, the question for consideration is whether special authorisation is necessary in the case of Special 1st Class Magistrates and Asst. Commissioners who are ex-officio first class Magistrates. In the case of the latter, they viz., Asst. Commissioners and ex-officio 1st class Magistrates are now exercising such magisterial functions as are really executive in their nature as for instance those referred to in Chapters VIII, IX, X, XI and XII of the Criminal Procedure Code.

Owing to the existence of doubt mentioned above, complaints are being presented before this Court.

I request therefore that a definite pronouncement may kindly be made by the Chief Court at an early date.

****

Copy of Chief Court Proceedings No.313-19/C.25 dated the 24th/25th July 1912.

READ :--

Letter No.37 dated the 19th instant from the District Magistrate of Chitaldrug requesting to be informed whether 1st class Magistrates, as such, may dealwith cases coming under the Criminal Breach of Contract Act (XIII of 1859) or whether it is necessary

to empower them specially for the purpose.

According to the Chief Commissioner's letter No. 1093-39 dated 24nd June 1866 (printed on page 183 of Mangle's Manual) the powers conferred by Act XIII of 1859 were intended to be exercised by Sessions Judges, Deputy Commissioners and Assistant Commissioners who are first class Magistrates ~~throughout~~ throughout Mysore. No special authorisation is therefore necessary.

Theeia Rajaiah
2/2/26
Registrar.

TMN/
MEK/

APP. F. VI. Gl.]

SUBJECT.....

.....

.....

Section C15

File No/- 25-

Seria No. ~~16~~ 27

Diary No. of letter replied to.....

No. 5273

To The ~~Inspectors to the Revenue Court~~

General and Revenue Secretariat

( )

the *192*

Dear Sir,

Date of issue 15/4/25

I am directed to request you to kindly forward for the information of Govt. a list of Sub-Divisions in the State together with the Talukas comprising each Sub-Division as well as the names of officers in charge ~~of the Sub-Divisions~~ of the Sub Divisions

Yours ~~faithfully~~ sincerely

Signed by 14/4

List of enclosures.....

Copied by.....

Examined by.....

To

M. Lekhmaraj Avl BA HB

Asst. to the Revenue Cont. in Mysore

over

14/4/25

WD 0562—GPB—31,000—17-8-25

4064 P 25

OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE.

D.O.No. 127/25-26
one.

Bangalore 16th April 1926.
17th.

Dear Sir,

As desired in your letter No.5273/Cts.1-25-27 dated 15th April 1926, I forward herewith a list of Sub Divisions in the State together with the Taluks comprising each Sub Division and the names of the Officers in charge of the Sub Divisions.

Yours sincerely,

16/4/26

T. Singaravelu Mudaliar, Esq., B.A., B.L.,
Assistant Secretary to Government,
General & Revenue Secretariat, Bangalore.

Name of Sub Division.	Names of Taluks constituting the ~~Taluk~~ charge.	Name of Officer in charge.
1. Bangalore.	Bangalore Taluk.	Mr. A.J. Donne, Personal Assistant to the Deputy Commissioner, Bangalore.
2. Dodballapur.	1. Nelamangala. 2. Dodballapur. 3. Devanhalli. 4. Hoskote. 5. Anekal.	Mr. C. Suryanarayana Sastry.
3. Closepet.	1. Kankanhalli. 2. Chennapatna. 3. Magadi. 4. Closepet Sub. Jk	Mr. T. Govinda Rao.
4. Kolar.	1. Kolar. 2. Mulbagal. 3. Malur. 4. Srinivasapur. 5. Chintamani.	Mr. G. Rudrappa.
5. Chickballapur.	1. Chickballapur. 2. Goribidnur. 3. Bagepalli. 4. Sidlaghatta. 5. Gudibanda Sub Taluk.	Mr. D.C. Subbarayappa.
	Deputy Commissioner, Kolar District, in charge -- Bowringpet Taluk.	
6. Tumkur.	Tumkur Taluk.	Mr. K. Mallaraj Urs, District Treasury Officer.
7. Maddagiri.	1. Maddagiri. 2. Pavagada. 3. Sira. 4. Koratagere Sub-Je	Mr. B. Muddukrishnappa.
8. Gubbi.	1. Gubbi. 2. Chicknaikanhalli. 3. Tiptur. 4. Turuvekere Sub Taluk.	Mr. S. Narayana Rao.
	Deputy Commissioner, Tumkur District, in charge of Kunigal Taluk.	
9. Mysore.	1. Mysore. 2. Hunsur. 3. Yedatore. 4. Heggadadevankote.	Mr. T. Abdul Khader.
10. Nanjangud.	1. Gundlupet. 2. Chamarajanagar. 3. Nanjangud. 4. T. Narsipur.	Mr.S.N.Appanniengar.

R. T. O.

Name of Sub Division.	Names of Taluks constituting the ~~taluk~~ charge.	Name of Officer in charge.
11. French Rocks.	1. Seringapatam. 2. Mandya. 3. Pandavapura. 4. Nagamangala. 5. Krishnarajpet.	Mr.M.Subba Rao.
12. Holenarsipur.	1. Arsikere. 2. Channarayapatna. 3. Holenarsipur. 4. Arkalgud.	Mr. M. Subba Rao.
13. Hassan.	1. Hassan. 2. Alur Sub Taluk.	Mr.Syed Abdul Khaleq, District Treasury Officer.
14. Sakleshpur.	1. Manjarabad. 2. Belur.	Mr.M.Sundararaja Iyengar.
15. Shimoga.	Shimoga Taluk.	Mr.R. Viranarayana Iyengar, District Treasury Officer.
16. Chitradurga.	1. Chennagiri. 2. Honnali. 3. Chitradurga. 4. Hiriyur Sub Taluk.	Mr.S.Seetharamiah.
17. Bellary.	1. Sirguppa. 2. Bellary. 3. Hospet. 4. Kudligi.	Mr.M. Subbaiya Rao.
18. Tumkur.	1. Tumkur. 2. Tumkur. 3. Kunigal. 4. Narasimharajapura Sub-Ta	Mr.R.Thammaji Rao. (Mr. S.Ramachandra Rao has been recently transferred to this Sub Division, but he has not yet taken charge

Deputy Commissioner, Kadur District, in direct charge of Kudigere Taluk and the Revenue and Excise charges of the Chickmagalur Taluk.

Income-tax work of the Chickmagalur Taluk in charge of the District Treasury Officer Mr. M. Basavaraj Urs.

19. Davangere.	1. Davangere. 2. Harihar. 3. Holalkere. 4. Jagalur. 5. Harihar Sub Taluk.	Mr.Charles Veronica.

Name of Sub Division.	Names of Taluks constituting the ~~Taluk~~ charge.	Name of Officer in charge.
20. Chitaldrug.	1. Chitaldrug. 2. Chellakere. 3. Hiriyur. 4. Molakalmuru.	Mr. P.H. Krishna Rao.

16/4/56

For Revenue Commissioner.

Proceedings of the Govt. of H.H. the Maharaja of Mysore.

===

Read--

Letter No.1093-39 dated 22-6-1866 from the Chief ~~Court~~ Commissioner directing that the powers conferred by Act XIII of 1859 be exercised by Sessions Judges, Deputy Commrs. and Asst.Commrs. who are First Class Magistrates.

2. Letter No.ROC. 156 dated 29-8-1925 from the Registrar, Chief Court, forwarding the letter of the District Magistrate, Bangalore No.JC. 188/J. 25-26 dated 27th August 1925 and recommending that the Asst. Commrs. in charge of the Revenue Sub Divisions of Dodballapur and Closepet may be invested with the power to try cases falling under the Breach of Contract Act.

3. Correspondence ending with letter No. 156 dated 2-2-1926 from the Registrar, Chief Court forwarding a copy of letter No.C.975/J. 25-26 dated 23/25-12-1925 from the Dist. Magistrate, Mysore requesting a definite pronouncement as to whether any special authorisation is necessary in the case of Special First Class Magistrates and Asst. Commrs. who are ex-officio First Class Magistrates under the Separation Scheme.

4. U.O.Note No.ROC. 156/25-26 dated 15th August 1927 from the Registrar, Chief Court forwarding the opinion of the Chief Court in the matter of investiture of powers under the Breach of Contract Act.

22

Order,No. 2512-20

Dated, Bangalore the 15/11/27

Under the Chief Commissioner's letter read above, Sessions Judges, Deputy Commrs. and Asst. Commrs. who are first class Magistrates can exercise powers under the Breach of Contract Act XIII of 1859.

After the introduction of the Separation Scheme, Special First Class Mgistrates were appointed for every District for the trial of regular cases and Revenue Officers in charge of Sub Divisions and Treasuries were appointed Ex-officio, First Class Magistrates and were authorised to exercise such magisterial functions as are really executive in their nature. A doubt has been raised as to whether any special authorisation is necessary in the case of Special First Class Magistrates and Assistant Commrs. who are Ex-officio First Class Magistrates.

The Chief Commissioner's letter dated 22-6-1866 still remains in force and therefore Asst. Commrs. who exercise First Class powers ~~either who exercise First Class powers~~ either as Sub Division Officers or as Special Magistrates need not be specially empowered. In the case of other officers a Special authorisation is necessary.

It would be necessary to invest Special Magistrates or Amildars with the powers in places where there are numerous cases under the Act and in that case overlapping of jurisdiction is likely to arise.

In order to obviate the overlapping of jurisdiction Government ~~may~~ may direct ---

that of a special Magistrate is empowered under the Act over a certain area the Ex-officio Asst.Commr. First Class Magistrate will cease to exercise jurisdiction over that area and that when ~~the~~ an Amildars empowered to try cases under the Act arising in the taluk, the Special Magistrate, or Ex-officio Asst.Comr.1st class Magistrate as the case may be, will not exercise jurisdiction over that taluk.

The District Magistrates are requested to send up recommendations on the above principles for the investiture of powers under the Act through the Chief Court.

28/8/11

Secretary to Government,
Law Department.

The Registrar, Chief Court.
The Dist.Magis's of Dists.

TD.

S. O.

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. P. 2512-20—Cts. 1-25-40, dated 15th November 1927.

The Breach of Contract Act.

Passes orders *re* the officers who can be empowered under——

READ—

Letter No. 1093-39, dated 22nd June 1866, from the Chief Commissioner, directing that the Powers conferred by Act XIII of 1859, be exercised by Sessions Judges, Deputy Commissioners and Assistant Commissioners who are First Class Magistrates.

2. Letter No. ROC. 156, dated 29th August 1925, from the Registrar, Chief Court, forwarding the letter of the District Magistrate, Bangalore, No. JC. 188—J. 25-26, dated 27th August 1925, and recommending that the Assistant Commissioners in charge of the Revenue Sub-Divisions of Dodballapur and Closepet may be invested with the power to try cases falling under the Breach of Contract Act.

3. Correspondence ending with letter No. 156, dated 2nd February 1926, from the Registrar, Chief Court, forwarding a copy of letter No. C. 975—J. 25-26, dated 23rd—25th December 1925, from the District Magistrate, Mysore, requesting a definite pronouncement as to whether any special authorisation is necessary in the case of Special First Class Magistrates and Assistant Commissioners who are *Ex-officio* First Class Magistrates under the Separation Scheme.

4. Un-official Note No. ROC. 156—25-26, dated 15th August 1927, from the Registrar, Chief Court, forwarding the opinion of the Chief Court, in the matter of investiture of powers under the Breach of Contract, Act.

ORDER No. P. 2512-20—CTS. 1-25-40, DATED 15TH NOVEMBER 1927.

Under the Chief Commissioner's letter read above, Sessions Judges, Deputy Commissioners and Assistant Commissioners who are First Class Magistrates can exercise powers under the Breach of Contract Act XIII of 1859.

2. After the introduction of the Separation Scheme, Special First Class Magistrates were appointed for every district for the trial of regular cases and Revenue Officers in charge of Sub-Divisions and Treasuries were appointed *Ex-officio* First Class Magistrates and were authorised to exercise such magisterial functions as are really executive in their nature. A doubt has been raised as to whether any special authorisation is necessary in the case of Special First Class Magistrates and Assistant Commissioners who are *Ex-officio* First Class Magistrates.

3. The Chief Commissioner's letter dated 22nd June 1866, still remains in force and therefore Assistant Commissioners who exercise First Class powers either as Sub-Division Officers or as Special Magistrates need not be specially empowered. In the case of other officers, a special authorisation is necessary.

4. It would be necessary to invest Special Magistrates or Amildars with the powers in places where there are numerous cases under the Act and in that case overlapping of jurisdiction is likely to arise. In order to obviate the overlapping of jurisdiction, Government may direct that if a Special Magistrate is empowered under

the Act over a certain area, the *Ex-officio* Assistant Commissioner First Class Magistrate will cease to exercise jurisdiction over that area and that when an Amildar is empowered to try cases under the Act arising in the Taluk, the Special Magistrate, or *Ex-officio* Assistant Commissioner First Class Magistrate as the case may be, will not exercise jurisdiction over that Taluk.

5. The District Magistrates are requested to send up recommendations on the above principles for the investiture of powers under the Act through the Chief Court.

B. NAGAPPA,
Secretary to Government,
Law Department.

To—The Registrar, Chief Court.
The District Magistrates of Districts.

Exd.—P. S. R.N.

WD 1217—GPB—430—22-11-27.